S.B. CRIMINAL REVISION PETITION NO.1299/2007.

(HANUMAN RAM VS. STATE)

DATE OF ORDER : 12.12.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Mahesh Bora for the petitioner.

By this petition under Section 397 read with Section 401 Cr.P.C., a challenge is given to the order dated 06.11.2007 framing the charges against the petitioner for the offence under Sections 147, 148, 302, 302/149, 323, 323/149 IPC.

The contention of the counsel for the petitioner is that as a matter of fact, the enquiry in the matter was made thrice and out of that twice, no prima facie case was found against the petitioner. It is asserted that on third occasion, the petitioner was entangled in the case without considering the enquiry made earlier.

I have perused the order impugned and also the police report submitted as per the provisions of Section 173 Cr.P.C. with the relevnt documents.

From perusal of First Information Report itself, it reveals that the name of the petitioner was mentioned therein. While framing charges, the court is required to prima facie satisfy to presume commission of offence necessary to proceed with trial. The specific allegation in the First Information Report itself is adequate to draw such presumption.

In view of it, the order impugned does not suffer from any error that may warrant interference of this Court while exercising powers under Section 307 and 401 Cr.P.C..

The revision petition is accordingly dismissed.

(GOVIND MATHUR)J.

Anil/